CIVIL COURTS—*contd.*

I.—GENERALLY.
II.—AJMERE
III.—AGRA, BENGAL EASTERN BENGAL AND ASSAM
IV.—OUDH
  1. Preliminary.
  2. Constitution and Jurisdiction.
  3. Miscellaneous.
V.—UNITED PROVINCES
  1. Honorary Munsifs.
  2. Village Courts.
VI.—BOMBAY PRESIDENCY
  A.—GENERALLY.
    1. Preliminary.
    2. District Courts.
    3. Other Courts.
    4. Miscellaneous.
  B.—PARTICULAR COURTS.
VII.—BRITISH BALUCHISTAN.
VIII.—LOWER BURMA
  A.—GENERALLY.
    1. Preliminary.
    2. The Chief Court.
    3. Subordinate Courts.
    4. Miscellaneous.
  B.—COURTS IN ARAKAN HILLS.
  C.—VILLAGE COURTS.
IX.—UPPER BURMA (EXCEPT THE SHAN STATES).
  A.—GENERALLY.
    1. Preliminary.
    2. Constitution and Jurisdiction.
    3. Miscellaneous.
  B.—COURTS IN HILL TRACTS.
  C.—VILLAGE COURTS.
X.—CENTRAL PROVINCES
  1. Preliminary.
  2. Constitution and Jurisdiction.
  3. Miscellaneous.
XI.—COORG
  1. Constitution and Jurisdiction.
  2. Miscellaneous.
XII.—MADRAS PRESIDENCY
  A.—GENERALLY.
  B.—MADRAS CITY CIVIL COURT.
    1. Preliminary.
    2. Constitution and Jurisdiction.
    3. Miscellaneous.
  C.—VILLAGE COURTS.
  D.—COURTS IN CERTAIN TRACTS IN GANJAM AND VIZAGAPATAM.
  E.—DISTRICT PANCHAYATS.
XIII.—NORTH-WEST FRONTIER PROVINCE
  A.—GENERALLY.
    1. Constitution and Jurisdiction.
    2. Miscellaneous.
  B.—COURTS IN UPPER TANAWAL.
XIV.—PUNJAB
  1. Preliminary.
  2. The Chief Court.
  3. Subordinate Courts.
  4. Miscellaneous.

I.—GENERALLY.

Special Court. *See* WASTE-LAND.
Parsi Matrimonial Courts. *See* MATRIMONIAL CAUSES, C, 2.
Courts in Scheduled Districts. *See* SCHEDULED DISTRICTS.
Power to appoint acting Judges . . . . . Act16,1867.
Officers of, not to buy actionable claim Act4,1882,s.136
Procedure of. *See* CIVIL PROCEDURE.

CIVIL COURTS—*contd.*

II.—AJMERE.

1. Preliminary.

Ajmere to form a single District . . . . . Reg.1,1877,s.4.

2. Constitution and Jurisdiction.

Grades of Courts . . . . . Reg.1,1877,s.4.

Appointment and powers of Additional Commissioner . . . „ s.4A, (ad.Reg. 7of1907, s.2).

Power of Local Government to appoint Subordinate Judges and Munsifs . . . . . „ s.5(am. Reg.1, 1910).

Original jurisdiction of Courts . . . . . „ ss.6to11 (s.11am. Reg.1, 1910).

Power to invest Subordinate Judge with Small Cause Court powers; application of Provincial Small Cause Courts Act . „ ss.11,12, 23(s.11) am.Reg.1, 1910).

Benches of Judges . . . . . „ s.1 (am. Reg.1, 1910).

Appeals . . . . . „ ss.14to 16(s.14(*a*) am.Reg.1, 1910).

„ limitation of . . . . . „ s.22.

Reference of case to Commissioner or to High Court, North-Western Provinces . . . . . „ ss.17to 21.

Chief Commissioner to the highest Court of appeal, but certain references to be made to High Court, North-Western Provinces „ s.23.

Control over subordinate Courts; distribution and transfer of business . . . . . „ ss.24to 26.

Special provisions for hearing suits involving questions regarding succession to estates of taluqdars, thakurs and jagirdars . „ ss.34to37.

3. Miscellaneous.

Pleaders or mukhtars not to be admitted or enrolled under Legal Practitioners Act . . . . . „ s.27.

III.—AGRA, BENGAL AND EASTERN BENGAL AND ASSAM.

1. Preliminary.

Act 12, 1856(Amins; declared in force throughout the Province of Agra, except the Scheduled Districts . . Act15,1874,s.7.

„ „ short title given to . . . . . Act5,1897,s.4.

Act 12, 1887, extends to the whole of Agra, Bengal (except Sambalpur District), Eastern Bengal and Assam, except territories which are not subject to the ordinary civil jurisdiction of the High Courts . Act12,1887,s.1.

„ extended to Sambalpur District . . . . Ben.Act4,1906,s.2.

CIVIL COURTS—*contd.*

III.—AGRA, BENGAL AND EASTERN BENGAL AND ASSAM—*contd.*

2. Constitution and Jurisdiction.

Classes of Courts	Act12,1887,	s.3.
Number of Judges and Munsifs; filling of vacancies; additional Judges	,,	ss.4to8.
Administrative control over Courts	,,	s.9.
Temporary charge of District Court or office of Munsif	,,	ss.10,12.
Transfer of proceedings on vacation of office of Subordinate Judge	,,	s.11.
Continuance of proceedings of Court ceasing to have jurisdiction	,,	s.17.
Law to be administered	,,	s.37.
Local limits of jurisdiction	,,	s.13.
Ordinary jurisdiction	,,	ss.18,19.
Appeals	,,	ss.20,21.
,, transfer of	,,	s.22.
Exercise by Subordinate Judge or Munsif of jurisdiction of District Court in certain proceedings	,,	ss.23,24.
Small Cause Court powers	,,	s.25.

3. Miscellaneous.

Place of sitting	,,	s.14.
Vacations	,,	s.15.
Seal	,,	s.16.
Suspension or removal of Judges or Munsifs	,,	ss.26to29.
Ministerial officers	,,	ss.30to35.
Power to confer powers of Civil Court on officers	,,	s.36(am. Ben.Act4, 1906,s.6).
Judge or Munsif not to try suit in which he is personally interested	,,	ss.38,39.
What parts of Act 12, 1887, apply to Provincial Courts of Small Causes	,,	s.40.
Assistant Magistrates, etc., to follow procedure prescribed for Collector in instituting suits	(Ben.&E.B.)	Ben.Reg.4, 1821,s.7.
Certain sections of Act 12, 1887, not to apply to Honorary Munsifs in Province of Agra	U.P.Act2,1896,	s.13.
Civil Court Amins:		
Act 12, 1856, rep. in Bengal and Eastern Bengal; saving of appointments under it and duties of persons holding such appointments in	[1] Ben.Act2,1899.	
Number, appointment and remuneration of	Act12,1856,	ss.2,3.
Duties of	,,	s.5.
Payments by parties for certain work done by	,,	ss.8,9.
Act 12, 1856, not to prevent Civil Courts in Agra from employing Revenue-officers on Amin's duties in case of land paying revenue to Government	Act12,1856,	s.10.

Courts in Eastern Duars, Assam. *See* EASTERN DUARS.

Courts in certain exceptional tracts in Bengal. *See* ANGUL DISTRICT, 3, 4; CHITTAGONG HILL TRACTS; CHOTA NAGPUR; SANTHAL PARGANAS.

[1] Ben. Act 2, 1899, has been extended under Act 14, 1874, to Sylhet when Act 12,1856, had been declared in force under the same Act.

CIVIL COURTS—*contd.*

IV.—OUDH.

1. Preliminary.

Definitions . . . . . Act13,1879,s.3. Act14,1891,s.3.

2. Constitution and Jurisdiction.

Grades of Courts . . . . . Act13,1879,s.4.
Number of Judges and Munsifs; appointments by whom to be made . . . . . ,, ss.5,6.
Additional Judges . . . . . ,, s.7.
Temporary charge of office of District Judge . . . . . ,, s.8.
Transfer of proceedings on vacation of office of Subordinate Judge . . . . . ,, s.9.
Status of District Court . . . . . Control over Courts . . . . . ,, s.10.
Power to appoint Additional Judicial Commissioner . . . Act14,1891,s.4.
Local limits of jurisdiction . . . . . Act13,1879,s.16.
Original jurisdiction . . . . . ,, s.17.
Appeals . . . . . ,, ss.18,19,20.
Small Cause Court powers . . . . . ,, s.24.
Commissioner of the Division deemed to be the District Judge for purposes of Indian Divorce Act, 1869 . . . . ,, s.27.
Additional Judicial Commissioner:
What jurisdiction to be exercised by . . . . . Act14,1891,s.5(1).
Withdrawal of cases from . . . . . ,, s.5(2).
Law applicable to . . . . . ,, s.6.
Hearing of cases by Judicial Commissioner and Additional Judicial Commissioner sitting together; procedure in case of difference of opinion . . . . . ,, ss.8,9

3. Miscellaneous.

Ministerial Officers . . . . . Act13,1879,ss.11,12,32to35.
Seal . . . . . ,, s.13.
Place of sitting . . . . . ,, s.14.
Judge, etc., not to try suit, etc., in which he is personally interested . . . . . ,, s.23.
Suspension or removal of Judges, etc. . . . . ,, ss.28to31,35.
Power to make rules as to petition-writers . . . . ,, s.36.
Vacations . . . . . ,, s.38.
Certain sections of Act 13, 1879, not to apply to Honorary Munsifs . . . . . U.P.Act2,1896,s.13.

V.—UNITED PROVINCES.

1. Honorary Munsifs.

Definitions . . . . . U.P.Act2,1896,s.13.
Appointment and status of, and Benches of Munsifs . . . ,, ss.4to6,9.
Jurisdiction of, and transfer of cases to . . . . . ,, ss.7,8.
Judgments and orders of; execution of decrees of . . . ,, ss.10,11.
Code of Civil Procedure how far applicable to . . . . ,, ss.9,11.
Certain sections of Act 13, 1879, and Act 12, 1887, not to apply to . . . . . ,, s.12.
Ministerial Officers of Courts of . . . . . ,, s.12.

CIVIL COURTS—*contd.*

V.—UNITED PROVINCES—*contd.*

2. Village Courts.

See VILLAGE COURTS, II.

VI.—BOMBAY PRESIDENCY.

A.—GENERALLY.

1. Preliminary.

Act 16, 1838, declared in force throughout the Presidency of Bombay, except as regards the Scheduled Districts . . — Act15,1874,s.5.
Act 14, 1869, applies to territories, other than Sindh, in which Code of Civil Procedure is in force . . . . . — Act14,1869,s.1.
Power to extend Act 14, 1869, to excepted territories . . — Act14,1869,s.1.
„ create, and alter limits of, districts . . . . . — „ s.3.
„ fix position of sadr station . . . . . — „ s.4.
Law to be administered by Courts . . . . . — Bom.Reg.4,1827,s.26.
Bom. Reg. 4, 1827, s. 26, declared in force throughout the Presidency of Bombay, except as regards the Scheduled Districts. — Act15,1874,s.5.

2. District Courts.

District Court for each District; appointment, etc., of Judge . — Act14,1869,s.5.
Place of sitting . . . . . — „ s.6.
Jurisdiction of . . . . . — „ ss.7,8.
Certain Government suits to be referred to . . . . . — „ s.32.
Control and inspection of other Courts by . . . . . — „ s.9.
Duties of Judge as to references, etc., to High Court, furnishing of returns, etc. . . . . — „ ss.9,10.
Seal of Judge . . . . . — „ s.11.
Joint Judge; appointment, powers, etc., of . . . . . — „ ss.12,13 (s.12rep.pt. Bom.Act1, 1910,s.3).

3. Other Courts.

Assistant Judges:
Appointment, etc., of . . . . . — „ s.14.
Place of sitting . . . . . — „ ss.15,19.
Jurisdiction of, and appeals from . . . . . — „ ss.16,17,18.
Investment of, with powers of District Judge . . . . — „ s.19.
Seal of . . . . . — „ s.20.
Subordinate Courts:
Number of Courts . . . . . — „ s.21.
Classes of Judges . . . . . — „ s.24.
Appointment of Subordinate Judges and Joint Subordinate Judges . . . . . — „ ss.22,23.
Jurisdiction of, and appeals from . . . . . — „ ss. 22A,24to 27.
Jurisdiction of, and provisions applicable to, Joint Subordinate Judges . . . . . — „ s. 23.
Place of sitting . . . . . — „ s.23.
Small Cause Court; powers of . . . . . — „ s.28.
Seal of Judge . . . . . — „ s.29.

CIVIL COURTS—*contd.*

VI.—BOMBAY PRESIDENCY—*contd.*

A.—GENERALLY—*contd.*

3. Other Courts—*contd.*

To refer Government suits to District Judge, except in certain cases . . . . . Act14,1869,s.32.
Commission of inquiry into misconduct of Judge; application of Act 37, 1850 . . . . . ,, s.33.
Suspension or removal of Judge . . . . . ,, s.34.

4. Miscellaneous.

Suits relating to tenures or right to possession of land to be brought in Civil Courts and not in Revenue Courts . . Act16,1838,s.1(*1*).
Bar to jurisdiction of Civil Courts in certain cases. *See* LAND-REVENUE, VI.
Procedure where Judge in whose Court suit is instituted considers he has no jurisdiction to try it, or where superior Court finds that Subordinate Court had no jurisdiction . . . . ,, ss.2to5.
Temporary vacancies in office of Judge . . . . . Act14,1869,ss.35to37.
Ministerial officers . . . . . ,, ss.38to40.
Petition-writers; licensing of . . . . . ,, s.41A.
Rules of High Court as to keeping proceedings and granting copies . . . . . ,, s.41.
Process-fees . . . . . ,, s.42.
Holidays and vacation . . . . . ,, s.43.

B.—PARTICULAR COURTS.

Jagirdars, Saranjamidars and Inamdars:
Bom. Reg. 13, 1830, declared in force throughout the Presidency of Bombay, except as regards the Scheduled Districts Act15,1874,s.5.
Power of Local Government to grant sanads to Jagirdars, Saranjamidars and Inamdars, empowering them to try suits; power to withdraw sanads . . . . . Bom.Reg.13,1830,s.1. App.A,
Exclusive jurisdiction of, in the local area subject to their authority; exceptions in case of Europeans, etc. . . ,, s.2.
To pass written decree . . . . . ,, s.2(*3*).
Appeal from decision of, when and to whom to lie . . . ,, ss.3(*1*)to(*3*),5.
Decree of, not to be set aside for mere irregularity . . . ,, s.3(*4*).
Execution of decrees of . . . . . ,, s.41.

Agents of foreign Sovereigns, etc.:
Bom. Reg. 13, 1830, applied to agents of foreign Sovereigns, and may be applied to guardians and other persons by order of Local Government; power to withdraw application of Regulation in such cases . . . . . Act15,1840.
Act 15, 1840, declared in force throughout the Presidency of Bombay, except as regards the Scheduled Districts . Act15,1874,s.5.
Authorities vested with powers under Bom. Reg. 13, 1830, and Act 15, 1840, to be Subordinate Judges for purposes of Dekkhan Agriculturists' Relief Act, 1879 . . . . . Act17,1879,s.2A.

Other Special Tribunals:
See ADEN, 2; DEKKHAN, ETC.; MAMLATDAR'S COURT; SINDH.

CIVIL COURTS—*contd.*

VII.—BRITISH BALUCHISTAN.

Law to be administered . . . . . Reg.9,1896,s.89.
Grades and number of Courts . . . . . „ ss.3,5(*1*).
Appointment of presiding officers . . . . . „ s.4.
Local limits of jurisdiction . . . . . „ s.5(*2*).
Ordinary jurisdiction . . . . . „ s.6.
Judicial Commissioner to be High Court . . . . . „ s.7(*1*).
Deputy Commissioner to be District Court . . . . . „ s.7(*2*).
Chief Court of Punjab and Deputy Commissioner to be High Court and District Judge, respectively, for purposes of Indian Divorce Act, 1869 . . . . . „ s.7(*3*).
Control over Courts . . . . . „ s. 8.
Distribution of business and transfer of proceedings . . . . „ ss.71,72.
Conferment of powers of Deputy Commissioner on Assistant Commissioner or Extra Assistant Commissioner . . . . „ s.93.
Small Cause Court powers . . . . . „ ss.6,94.

VIII.—LOWER BURMA.

A.—GENERALLY.

1. Preliminary.

Definitions . . . . . Act6,1900,s.2.
Constitution and alteration of civil divisions, districts, sub-divisions and townships . . . . . „ s.23.

2. The Chief Court.

See CHIEF COURT OF LOWER BURMA.

3. Subordinate Courts.

All other Civil Courts, Lower Burma, to be Subordinate to Chief Court . . . . . „ s.18(*1*).
Grades of, and subordination of, Civil Courts . . . . . „ s.21.
Establishment of Divisional, District, Sub-divisional and Township Courts . . . . . „ s.24.
Appointment of Judges and Additional Judges . . . . „ s.34.
Superintendence and control of Divisional and District Courts over subordinate Courts . . . . . „ s.22.
Original civil jurisdiction of Courts . . . . . „ s.25.
Divisional Court to be deemed the District Court under the Indian Divorce Act, 1869. . . . . „ s.25(*d*).
Power to invest Courts with Small Cause Court powers . . . „ s.26
Small Cause Court of Rangoon; power to enhance jurisdiction of, to two thousand rupees; appeal . . . . . „ s.27(sub. Bur.Act7,1907,s.2).
Appellate jurisdiction of Divisional and District Courts . . Act6.1900,s.28.
Period of limitation for appeals to Divisional Court . . „ s.29.
Transfer of cases and distribution of business . . . . „ ss.31,32.
Ministerial officers . . . . . „ s.35.

4. Miscellaenous.

Judge not to try cases in which he is personally interested; procedure in such cases . . . . . Act6,1900,s.33.

CIVIL COURTS—*contd.*

VIII.—LOWER BURMA—*contd.*

A.—GENERALLY—*contd.*

4. Miscellaneous—*contd.*

Place of sitting of Courts	Act6,1900,s.36.
Seal of Courts	,, s.37.
Vacations	,, s.38.
Language of Courts	,, s.39.
Right of audience of Advocates of abolished Courts preserved	,, s.40.
Transfer of business of abolished Court	,, s.42.
Power to make rules as to service of process	,, s.46. [1]Bur.Act1,1910,s.3.
Provisions for pending proceedings	Act6,1900,ss.43to45.
Saving of Regulations in force in hill district of Arakan	,, s.3.

B.—COURTS IN ARAKAN HILLS.

See ARAKAN HILLS, 2.

C.—VILLAGE COURTS. (*See* VILLAGE COURTS, I.)

IX.—UPPER BURMA (EXCEPT THE SHAN STATES).

A.—GENERALLY.

1. Preliminary.

Definitions	Reg.1,1896,s.3.
Power to exempt tracts or districts from Reg. 1, 1896	,, s.1(2).

2. Constitution and Jurisdiction.

Grades of Courts; superintendence and control	,, s.8.
Establishment of Courts	,, s.9.
Judges and Additional Judges	,, ss.17to19 (s.17am.Reg. 3,1905,s.3).
Law to be administered	,, s.4.
Area of jurisdiction of each Court	,, s.9.
Ordinary original jurisdiction	,, s.10(sub. Reg.8,1900, s.2).
Small Cause Court powers	,, s.11.
Judicial Commissioner to have powers of High Court	,, s.12(1).
Appeals; second appeal on same grounds as first appeal in certain cases	,, s.12(am. Act13,1898, Sch.3),s.13 (sub.Reg.5, 1903,s.2).
Power of Courts to distribute business and to transfer and withdraw cases	,, s.15(sub. Reg.3,1905, s.2).
Transfer of pending cases	,, s.23.
Continuance of jurisdiction when business transferred to another Court	,, s.16.

[1] Bur. Act 1, 1910, will come into force when notified.

CIVIL COURTS—*contd.*

IX.—UPPER BURMA (EXCEPT THE SHAN STATES)—*contd.*

A.—GENERALLY—*contd.*

3. Miscellaneous.

Judge not to try cases, etc., in which he is personally interested . Reg.1,1896,s.20.
Place of sitting; seal . . . . . ,, ss.21,22
Holidays . . . . . ,, s.34.
Appointment and judicial powers of Registrar . . . . . ,, s.33.
Power to make rules . . . . . ,, s.30(rep. p.t.Bur. Act1,1910,s.4).
Control over Advocates. *See* LEGAL PRACTITIONER, 6. [1] Bur.Act1,1910,s.3.

B.—COURTS IN HILL TRACTS.

See CHIN HILLS, 3, 4, 7; KACHIN HILLS, 3, 4, 7.

C.—VILLAGE COURTS (*See* VILLAGE COURTS, I.)

X—CENTRAL PROVINCES.

1. Preliminarly

Definition of "value" . . . . . Act2,1904,s.2.

2. Constitution and Jurisdiction.

(*a*) COURT OF JUDICIAL COMMISSIONER.

To be highest Civil Court of appeal . . . . . Act2,1904,s.3(sub. Act11, 1910,s.2).
Constitution of; appointment of Judicial Commissioner and additional Judicial Commissioners . . . . . ,, s.4. (sub.Act11,1910,s.2.)
Rank and precedence of Judges; Senior Judge . . . . ,, s.4A.
Appellate jurisdiction of . . . . . ,, s.15(*b*).
Exercise of jurisdiction by single Judges and benches: Judge when competent to try appeal against decision passed by himself . . . . . ,, ss.5,5A(2),6.
Full bench; constitution of; power to refer questions to . . ,, ss.5A,5C.
Rule of decision when Judges differ . . . . . ,, s.6A.
Power of Judicial Commissioner to transfer case . . . ,, s.5B.
Appointment of Registrar and ministerial officers . . . ,, s.7.
Power to make rules . . . . . ,, s.8.

(*b*) SUBORDINATE CIVIL COURTS.

Classes of Courts . . . . . ,, s.10.
Constitution and alteration of civil divisions and civil districts . ,, s.11.
Establishment of Courts . . . . . ,, s.12.
Appointment of Judges, Subordinate Judges, Additional Judges and Munsifs . . . . . ,, ss.21to23 (s.22am.Act 11,1910,s.7).
Original jurisdiction of Courts . . . . . ,, s.13(am. Act11,1910, s.3).

[1] Bur. Act 1, 1910, will come into force when notified.

CIVIL COURTS—*contd.*

X.—CENTRAL PROVINCES—*contd.*

2. Constitution and Jurisdiction—*contd.*

(*b*) SUBORDINATE CIVIL COURTS—*contd.*

Jurisdiction under the Provincial Small Cause Courts Act, 1887	Act 2, 1904, ss. 14 (sub. Act 11, 1910, s. 4), 18 (2).
Appellate jurisdiction of Courts	,, s. 15 (am. Act 11, 1910, s. 5).
Limitation of appeals	,, s. 16.
Superintendence and control over Courts	,, s. 17 (am. Act 11, 1910, s. 6).
Transfer of cases	,, s. 18.
Distribution of business	,, s. 19.
Appointment and punishment of ministerial officers	,, s. 24.

3. Miscellaneous.

Judges not to try cases in which they are personally interested	,, s. 20.
Power of Court of Judicial Commissioner to make rules as to petition-writers, translation, inspection, expenses of witnesses, fees to commissioners, functions of ministerial officers, forms, etc.	,, s. 8 (sub. Act 11, 1910, s. 2).
Court of Judicial Commissioner to keep registers, etc., and to comply with requisitions from Local Government for papers	,, s. 9 (sub. Act 11, 1910, s. 2).
Place of sitting of Courts	,, s. 25.
Vacations	,, s. 26 (am. Act 11, 1910, s. 7).
Seal of Courts	,, s. 27.

XI.—COORG.

1. Constitution and Jurisdiction.

Grades of Courts	Reg. 1, 1901, s. 2.
Appointment of presiding officers of Courts	,, ss. 3, 4.
Number of subordinate Courts	,, s. 5.
Judicial Commissioner to be High Court, and Commissioner to be District Court	,, s. 7 (*1*), (*2*).
Control over subordinate Courts	,, s. 7 (*3*).
Original jurisdiction	,, ss. 6, 8.
Power to invest Munsifs with Small Cause jurisdiction	,, s. 18.
Appeals	,, ss. 9 to 12.
Distribution of business among subordinate Courts	,, s. 13.

2. Miscellaneous.

Presiding officer not to try suit or appeal in which he is personally interested	,, ss. 14, 15.
Appointment and punishment of ministerial officers	,, s. 17.
Power of Judicial Commissioner to hold his Court anywhere in or beyond Coorg	,, s. 19.

CIVIL COURTS—*contd.*

XII.—MADRAS PRESIDENCY.

A.—GENERALLY.

1. Preliminary.

Act 3, 1873, extends to the whole Presidency except the tracts under the Agents of Ganjam and Vizagapatam . . . . Act3,1873,s.1.

Constitution and Jurisdiction.

Number of District Courts, Subordinate Judges and Munsifs . ,, ss.3,4.
Filling of vacancies in office of Judge or Munsif . . . ,, ss.6,7,26.
Temporary discharge of duties of District Judge . . . ,, s.25.
Control over Courts . . . . . ,, s.27.
Law to be administered . . . . . ,, s.16.
Local limits of jurisdiction . . . . . ,, ss.10,11.
Ordinary jurisdiction . . . . . ,, s.12.
Appeals . . . . . ,, s. 13.
Valuation of suits, etc., for purposes of jurisdiction . . . ,, s. 14.
Power to require oath or affirmation . . . . . ,, s.15.
Small Cause Court powers . . . . . ,, s.28.

3. Miscellaneous.

Place of sitting . . . . . ,, s.5.
Seal . . . . . ,, s.9.
Vacations . . . . . ,, s.30.
Judge or Munsif not to try suit, etc., in which he is personally interested . . . . . ,, s. 17.
Suspension or removal of Judges or Munsifs . . . . ,, ss.18to21.
Ministerial officers . . . . . ,, ss.22,23, 24,24A.

B.—MADRAS CITY CIVIL COURT.

1. Preliminary.

Definitions . . . . . Act7,1892,s.2.

2. Constitution and Jurisdiction.

Power to establish Court; its jurisdiction . . . . . ,, s.3.
Appointment, etc., of Judges . . . . . ,, s.4.
Judge of Court to be *ex officio* Judge of Small Cause Court; his duties as such . . . . . ,, s.5.
Powers, etc., of Judges when more than one . . . . ,, s.6.
Application of law administered by High Court . . . ,, s.8.
Valuation of immoveable property for purposes of jurisdiction . ,, s.9.
Appeals to High Court; limitation . . . . . ,, s.15.
Saving of jurisdiction of High Court . . . . . ,, s.16.

3. Miscellaneous.

Ministerial officers . . . . . ,, s.7.
Process-fees . . . . . ,, s.10.
Repayment of half fees on settlement before hearing . . ,, s.13.
Allowance for fees in cases removed to High Court . . . ,, s.14.

CIVIL COURTS—*contd.*

XII.—MADRAS PRESIDENCY—*contd.*

B.—MADRAS CITY CIVIL COURT—*contd.*

3. Miscellaneous—*contd.*

Appointment of Receivers . . . . . Act7,1892,s.11.
Execution by City Court of decree of Madras Small Cause Court . Act15,1882,s.31.
Seal . . . . . Act7,1892,s.17.
Holidays . . . . . ,, s.18.

C.—VILLAGE COURTS.

See PANCHAYAT; VILLAGE COURTS, 1.

D.—COURTS IN CERTAIN TRACTS IN GANJAM AND VIZAGAPATAM.

See GANJAM AND VIZAGAPATAM.

E.—DISTRICT PANCHAYATS.

See PANCHAYAT.

XIII.—NORTH-WEST FRONTIER PROVINCE.

A.—GENERALLY.

1. Constitution and Jurisdiction.

Judicial Commissioner's Court:
Tudicial Commissioner; appointment of; to be highest Civil Court of appeal . . . . . Reg.7,1901,s.2(2).
Civil jurisdiction; procedure in exercise of; certain provisions of Code of Civil Procedure not to apply . . . . . ,, s.46.
Civil jurisdiction, appellate . . . . . ,, ss.77to79.
Reference and revision in unappealable cases; court-fees; refund of court-fees . . . . . ,, ss.83to85.
Additional power to transfer cases . . . . . ,, s.87.
Transfer of appeal or application for revision, where Judicial Commissioner himself passed the decree or order complained of, or is interested therein . . . . . ,, s.87A(add. Reg.1,1906).
Subordinate Courts; classes of Courts . . . . . ,, s.47.
Power to divide province into civil divisions and districts . . ,, s.48.
Divisional Courts and District Courts; establishment of; appointment of Divisional and District Judges and Additional Judges . . . . . ,, ss.49,50, 86.
Distribution of business of Divisional Court . . . . . ,, s.51.
Original jurisdiction of; Divisional Court to be District Court for purposes of Indian Divorce Act, 1869, and other prescribed purposes . . . . . ,, ss.52,53.
Subordinate Judges and Munsifs:
number and appointment of . . . . . ,, ss.54,55.
jurisdiction of . . . . . ,, 56,57.
Power to confer Small Cause Court powers on District Judges, Subordinate Judges and Munsifs . . . . . ,, s.59.
Special Judges and Benches; power to appoint, and invest with powers of Subordinate Judge or Munsif . . . . ,, s.58.
Superintendence and control . . . . . ,, s.71.
Transfer, withdrawal and distribution of business . . . ,, ss.72,73,87.

CIVIL COURTS—*contd.*

XIII—NORTH-WEST FRONTIER PROVINCE—*contd.*

A.—GENERALLY—*contd.*

1. Constitution and Jurisdiction—*contd.*

Suspension and removal of Divisional Judges, District Judges, Subordinate Judges and Munsifs . . . . . Reg.7,1901, s.70.

Appeals from decrees and orders of; second appeal on same ground as first appeal in certain cases; limitation . . „ ss.77 to 82.

2. Miscellaneous.

Act 18,1884, repealed in N.-W. Frontier Province . . . „ s.5,Sch.8.

References to "High Court" or "Chief Court of the Punjab" to be construed as referring to the Judicial Commissioner except in certain cases . . . . . „ s.6(*1*)(*c*).

Chief Court of the Punjab to be High Court for North-West Frontier Province for certain purposes . . . . . „ s.6(*1*)(*c*).

References to "Chief Controlling Revenue-authority," "Chief Revenue-authority," "Financial Commissioners", "a Financial Commissioner of the Punjab" and "Commissioner" construed as referring to Revenue Commissioner . „ s.6(*1*)(*d*),(*e*),(*f*).

References to "Gazette," etc. . . . . „ s. 6(*1*)(*g*).

Ministerial officers . . . . . „ ss.43,44(*1*)(*g*), 74, 75.

Power of Judicial Commissioner to make rules as to petition-writers, translation, copying, etc., of papers, language in which Court to be addressed, seals, inspection, copies, forms, powers of ministerial officers, inspection of Courts, etc. . . . „ s.44.

Books, returns, etc., to be kept and furnished by Judicial Commissioner . . . . . „ s.45.

Place of sitting of Courts . . . . . „ s.88.

Vacations . . . . . „ s.88(*1*).

Pending cases . . . . . „ s.94.

B.—COURTS IN UPPER TANAWAL.

See UPPER TANAWAL.

XIV.—PUNJAB.

1. Preliminary.

Definitions . . . . . Act 18,1884,s.3.

Constitution and alteration of divisions and districts . . . „ s.18.

2. The Chief Court.

See CHIEF COURT OF THE PUNJAB.

3. Subordinate Courts.

Classes of Courts . . . . . „ s.17.

Divisional Courts and District Courts:

Constitution of; appointment, etc., of Judges . . . „ ss.19,20.

Appointment, etc., of Additional Judges . . . . „ s.75.

Distribution of business of Divisional Court . . . „ s.21.

Jurisdiction of . . . . . „ ss. 22,23.

Power to direct that Divisional Court shall be deemed to be the District Court for purposes of Indian Divorce Act, 1869 . . . . . „ s.23(*a*).

CIVIL COURTS—*concld.*

XIV.—PUNJAB—*contd.*

3. Subordinate Courts—*contd.*

Divisional Courts and District Courts—*contd.*

Power to confer Small Cause Court powers on District Judge	Act 18, 1884, s. 30.
Control of, over other Courts	,, s. 33.
Transfer and distribution of business by	,, ss. 34, 35.
Subordinate Judges and Munsifs:	
Number and appointment of	,, ss. 24, 25.
Jurisdiction of	,, ss. 26, 27.
Conferral of powers of, on Special Judges and Benches	,, s. 28.
Power to confer Small Cause Court powers on	,, s. 30.
Control of Subordinate Judge over other Courts	,, s. 38.
Suspension and removal of Judges and Munsifs	,, s. 31.
Ministerial officers	,, ss. 36 to 38.
Appeals from decrees and orders of, second appeal on same grounds as first appeal in certain cases; limitation	,, ss. 39 to 44.

4. Miscellaneous.

Power to confer powers *ex officio*	Reg. 7, 1901, s. 64.
Powers exerciseable from time to time	,, s. 65.
Place of sitting of Courts	,, s. 66.
Holidays	,, s. 67.

CIVIL COURTS OF SMALL CAUSES.

See SMALL CAUSE COURTS.

CIVIL JUSTICE REGULATION (ARAKAN HILLS), 1874 (*See* ARAKAN HILLS)	Reg. 8, 1874.
CIVIL JUSTICE REGULATION (BRITISH BALUCHISTAN), 1896 (*See* CIVIL COURTS, VII; CIVIL PROCEDURE, 12)	Reg. 9, 1896.
CIVIL JUSTICE AMENDMENT REGULATION (ARAKAN HILLS), 1876 (*See* ARAKAN HILLS)	Reg. 5, 1876.

CIVIL PROCEDURE.

1875. Act 20, ss. 11, 12 (Laws, Central Provinces).
1877. Reg. 1, ss. 28 to 30, 32 (Courts, Ajmere).
1884. Act 18, ss. 16, 35, 40, 68, 70 (Courts, Punjab).
1887. Act 9, ss. 17, 34 (Provincial Courts of Small Causes).
1890. Reg. 1, s. 3 (Laws, British Baluchistan).
1896. Reg. 1, ss. 5 to 7, 24, 30, 31, 35, 37, 38 (Civil Justice, Upper Burma).
1896. Reg. 9 (Civil Justice, British Baluchistan).
1900. Act 3, ss. 34 to 48 (Prisons).
1900. Act 6, s. 39 (Courts, Lower Burma).
1901. Reg. 1, ss. 11, 12 (Courts, Coorg).
1901. Reg. 7, ss. 46, 73, 78, 79, 84 (Law and Justice, North-West Frontier).
1908. Act 5 (Civil Procedure).
1910. Act 9, s. 25 (Electricity).

1. Preliminary.
2. Suits in general.
3. Incidental Proceedings.
4. Suits in particular cases.
5. Provisional Remedies.
6. Special Proceedings.
7. Appeals.
8. Reference, Revision and Review.
9. Special Rules relating to the Chartered High Courts.
10. Rules.
11. Miscellaneous Provisions.
12 Special and local.

CIVIL PROCEDURE—*contd.*

1. Preliminary.

Definitions . . . . . Act 5, 1908, ss. 2, 5(2). Sch. 1, s. 33, r. 1.
Act 5, 1908 (Code of Civil Procedure), not to extend the pecuniary limit of the jurisdiction of any Court . . . . . ,, s. 6.
Subordination of Courts for purposes of the Code . . . . ,, s. 3.
Repeals ; savings . . . . . ,, ss. 154 to 158.

2. Suits in general.

Jurisdiction of the Courts . . . . . ,, ss. 9, 10.
,, ,, where business of one Court transferred to another ,, s. 150.
Res judicata . . . . . ,, s. 11.
Bar to further suit in certain cases . . . . . ,, s. 12.
Foreign judgment when not conclusive ; presumption as to . ,, ss. 13, 14.
Place of suing . . . . . ,, ss. 15 to 20, 120.
Objections as to place of suing and provisions for transfer and withdrawal . . . . . ,, ss. 21 to 25, Sch. I, App. H, Form 2.
Parties and their appearances, applications and acts :
Parties to suits . . . . . ,, Sch. I, O. 1.
Recognized agents and pleaders . . . . . ,, s. 85, Sch. I, O. 3, O. 27, r. 2.
The frame of the suit . . . . . ,, Sch. I, O. 2.
Institution of suits . . . . . ,, s. 26, Sch. I, O. 4.
Pleadings generally . . . . . ,, Sch. I, O. 6, O. 27, r. 1, O. 29, r. 1, O. 30, r. 1.
Amendment of . . . . . ,, s. 153.
Plaint generally . . . . . ,, Sch. I, O. 7.
,, in suit by or against Secretary of State in Council ,, s. 79, Sch. I, O. 27, rr. 1, 3.
,, in suit by Corporation or Company . . . . ,, Sch. I, O. 29, r. 1.
,, in interpleader suit . . . . . ,, Sch. I, O. 35, r. 1.
,, in suit by pauper . . . . . ,, Sch. I, O. 33, r. 8.
,, forms of . . . . . ,, Sch. I, App. A, 3, Forms 1 to 49.
,, concise statements . . . . . ,, Sch. I, O. 7, r. 9.
Register of suits . . . . . ,, Sch. I, O. 6, r. 2, App. H, Form 14.
Production, etc., of documents . . . . . ,, Sch. I, O. 7, rr 14 to 18.
Processes :
Summons ; issue of . . . . . ,, s. 27, Sch. I, O. 5, rr. 1 to 8.
,, forms of . . . . . ,, Sch. I, App. B., Forms 1 to 4.
,, service of . . . . . ,, ss. 28, 29, Sch. I, O. 5, rr. 9 to 30, O. 27, r. 4, O. 29, r. 2, O. 30, r. 3, App. B. Forms 10, 11.

CIVIL PROCEDURE—*contd.*

2. Suits in general—*contd.*

Processes—*contd.*

Summons; service of, on Corporation or Company	Act 5, 1908, Sch. I, O. 29, r. 2.
„ substitution of letter for	„ Sch. I, O. 6, r. 30.
„ on persons in prison or reformatory school	Act 3, 1900, ss. 47, 48.
Cost of service	Act 5, 1908, Sch. I, O. 48, r. 1.
Service of notices and orders	„ Sch. I, O. 48, r. 2.
Payment of postage on	„ s. 143.
Appearance of parties, and consequence of non-appearance	„ Sch. I, O. 9.
Written statements and set-off	„ Sch. I, O. 8.
„ „ forms of	„ Sch. I, App. A. 4, Forms 1 to 15.
Examination of parties by the Court	Act 5, 1908, Sch. I, O. 10.
Discovery, admission, inspection, production, impounding and return of documents	„ s. 30, Sch. I, O. 11, O. 12, O. 13, App. C.
Settlement of issues	„ Sch. I, O. 14, App. H, Form 1.
Disposal of suit at first hearing	„ Sch. I, O. 15.
Adjournments	„ Sch. I, O. 17.
Summoning and attendance of witnesses	„ ss. 30(*b*), 31, 32, 138, Sch. I, O. 16, App. E, Forms 13 to 19.
„ „ „ where witness in prison, etc.	Act 3, 1900, ss. 34 to 43.
Hearing of suit and examination of witnesses	Act 5, 1908, Sch. I, O. 18.
Affidavits	„ s. 139, Sch. I, O. 19.
Judgment and decree	„ s. 33, Sch. I, O. 20. O. 34., App. D.
Amendment of clerical or arithmetical errors, accidental slips, etc.	„ s. 152.
Money payable under decree how to be paid	„ Sch. I, O. 21, rr. 1, 2.
„ „ „ „ interest on	„ s. 34.
Costs	„ s. 35, Sch. I, O. 20, r. 6.
„ security for	„ Sch. I, O. 35.
Execution of decrees:	
Application of provisions to execution of orders	„ s. 36.
Limit of time	„ s. 48.
Precepts; issue of	„ s. 46, Sch. I, App. E, Form 2.
Court by which decree may be executed	ss. 37, 38, 82, Sch. I, O. 21, rr. 3 to 9, App. E., Forms 3 to 5.
Transfer of decree for execution	„ ss. 39 to 42.
„ „ „ „ to certain foreign Courts	„ s. 45.
Execution of decrees of British Courts to which provisions of Code relating to execution do not apply	„ s. 43.
Execution in British India of decrees of certain foreign Courts	„ s. 44.

CIVIL PROCEDURE—*contd.*

2. Suits in general—*contd.*

Execution of decrees—*contd.*

Application for execution	Act5,1908,Sch.I,O.21,rr. 10to16,App.E., Form6.
Transfer of decree, execution of	„ s.49.
Execution against legal representative	„ ss.50,52.
Liability of ancestral property under Hindu law	„ s.53.
Execution against surety	„ s.145,Sch.I, App.H,Form 13.
Execution against railway property: *see* RAILWAY, 10.	
Decree for partition of revenue-paying land; execution of	„ s.54.
Staying execution	„ Sch.I,O.21,rr. 26to29.
Questions to be decided by Court executing decree	„ s.47.
Mode of executing decrees	„ s.51,Sch.I,O. 21,rr.17to25, 30to36,App. E,Forms7to 26.
Attachment of property	„ ss.60to64,Sch. I,O.21,rr.41to 63.
Electric supply-lines, apparatus, etc, exempted from, in certain cases	Act9,1910, s.25.
Sale and delivery of property:	
General rules	Act.5,1908,ss.65to67,73, Sch.I,O.21, „ rr.64to73, App.E,Forms 27to31.
Rules as to moveable property	„ Sch.I,O.21,rr. 74to81,App. E.,Forms32to34.
„ „ immoveable property	„ Sch.I,O.21,rr. 82to96,App. E.,Forms35to39.
Resistance to execution	„ s.74,Sch.I,O. 21,rr.97to103, App.E.,Forms 40,41.
Execution by Collector	„ ss.68to72,Sch. III.
Arrest and detention	„ ss.55to59,Sch. I,O.21,rr.37 to40,App.E, Forms12to15.
Sections 55, 57, 59 applied to all civil processes for arrest, sale or payment	„ s.134.
Restitution on decree being varied or reversed	„ s.144.

Insolvent judgment-debtors. (*See* INSOLVENCY.)

Execution of decree against ward of Court (*See* COURT OF WARDS).

3. Incidental Proceedings.

Death, marriage and insolvency of parties	Act5,1908,Sch.I,O.22.
Withdrawal and adjustment of suits	„ Sch.I,O.23.

CIVIL PROCEDURE—*contd.*

3. Incidental Proceedings—*contd.*

Payment into Court . . . . . Act 5, 1908, Sch. I, O. 24, App. H, Form 3.

Requiring security for costs . . . . . „ Sch. I, O. 25, O. 41, r. 10, App. G, Form 4.

Commissions; commissions from foreign courts . . . „ ss. 75 to 78.

Commissions to examine witnesses . . . . . „ Sch. I, O. 26, rr. 1 to 8, App. H, Forms 7, 8. Act 3, 1900, ss. 44 to 46.

„ for local investigations . . . . . Act 5, 1908, Sch. I, O. 26, rr. 9, 10, App. H, Form 9.

„ to examine accounts . . . . . „ Sch. I, O. 26, rr. 11, 12, App. H, Form 10.

„ to make partition . . . . . „ Sch. I, O. 26, rr. 13, 14.

„ expenses; powers of, and appearance of witnesses before, commissioner . . . . . „ Sch. I, O. 26, rr. 15 to 18.

4. Suits in particular cases.

Suits by paupers . . . . . „ Sch. I, O. 33.

„ by or against Government or public officers . . . „ ss. 79 to 82, Sch. I, O. 27.

„ by aliens and by or against foreign or native rulers . . „ ss. 83 to 87.

„ by or against Corporations or Companies . . . . „ Sch. I, O. 29.

„ by or against firms, etc. . . . . „ Sch. I, O. 30.

„ by or against trustees, executors or administrators . . „ Sch. I, O. 31.

„ „ „ minors or persons of unsound mind . . „ Sch. I, O. 32.

„ „ „ „ „ „ Consent or agreement on behalf of . „ s. 147.

„ „ „ wards of Court of Wards. *See* COURT OF WARDS.

„ „ „ military men . . . . . „ Sch. I, O. 28.

Interpleader . . . . . „ s. 88, Sch. I, O. 35.

Mortgage-suits . . . . . „ Sch. I, O. 34.

5. Provisional Remedies.

Arrest before judgment . . . . . Act 5, 1908, s. 94(*a*), Sch. I, O. 37, r. 8(2), O. 38, rr. 1 to 4, App. F., Forms 1 to 4.

Attachment before judgment . . . . . „ s. 94(*b*), Sch. I, O. 38, rr. 5 to 12, O. 37, r. 8(2), App. F, Forms 5 to 7.

Compensation for improper arrest or attachment . . . „ s. 95.

Temporary injunctions . . „ s. 94(*c*), Sch. I, O. 38, rr. 1 to 5, App. F, Form 8.

CIVIL PROCEDURE—*contd.*

5. Provisional Remedies—*contd.*

Interlocutory orders	Act 5, 1908	s.94(*e*), Sch.I, O.38.rr.6to10.
Appointment of Receivers	,,	s.94(*d*), Sch.I, O.40, App.F, Forms 9, 10.

6. Special Proceedings.

Reference to arbitration	,,	s.89, Sch.II, App., Forms.
Proceedings or agreement of parties, special case	,,	s.90, Sch.I, O.36.
Summary procedure on negotiable instruments	,,	Sch.I, O.37.
Power to apply summary procedure to other cases	,,	s.128(2)(*f*).
Suits by Advocate General relating to public nuisances and public charities	,,	ss.91to93.

7. Appeals.

Appeals, general provisions	,,	ss.107,108.
Appeals from original decrees:		
To lie in all cases unless expressly barred	,,	s.96.
Preliminary decree, not appealed from, cannot be questioned in appeal from final decree	,,	s.97.
Form of, etc.	,,	Sch.I, O.41, rr.1,2, App.G, Form 1.
Staying and executing decree under appeal	,,	Sch.I, O.41, rr.5to8, App.G, Forms 2,3.
Rejection or admission of; procedure	,,	s.98, Sch.I, O.41, rr.3,9to29, App.G, Forms 5to8, App.H, Form 15.
Judgment in appeal	,,	s.99, Sch.I, O.41, rr.3,30to34.
Decree in appeal	,,	Sch.I, O.41, rr.35to37, App.G, Form 9.
Appeal from appellate decree:		
When to lie	,,	ss.100to102.
See also 12, below; CHIEF COURT OF LOWER BURMA; CHIEF COURT OF THE PUNJAB; CIVIL COURTS, IXA (*2*); XIII A(*1*).		
Procedure; application of Sch. 1, O. 41	,,	s.102, Sch.I, O.42.
Appeals from orders:		
When to lie	,,	s.104, Sch.I, O.43, r.1.
To what Court to lie	,,	s.105.
Procedure; application of Sch. I, O. 41	,,	Sch.I, O.43, r.2.
Pauper appeals	,,	Sch.I.O.44, App.G, Forms 10,11.

CIVIL PROCEDURE—*contd.*

7. Appeals—*contd.*

Appeals to the King in Council . . . . . Act 5, 1908, ss. 109 to 112, Sch. I, O. 45, App. G, Forms 12, 13.

8. Reference, Revision and Review.

Reference to, and revision by, High Court . . . . . „ ss. 113, 115, Sch. I, O. 46.

Review of judgment . . . . . „ s. 114, Sch. I, O. 47, App. G, Form 14.

9. Special Rules relating to the Chartered High Courts.

Act 5, 1908 (Code of Civil Procedure), to apply to such Courts, except as specially provided . . . . . „ s. 117, Sch. I, O. O. 49, r. 3.

Certain sections of Code not to apply to Court . . . . „ s. 120.

Court to take evidence and record judgments and orders by its own rules . . . . . „ Sch. I, O. 49, r. 2.

Execution of decree before ascertainment of costs . . . „ s. 118.

Unauthorised persons not to address the Court . . . .

Saving of Court's power to make rules concerning advocates, vakils and attorneys . . . . . „ s. 119.

Who may serve process of Court . . . . . „ Sch. I, O. 49, r. 1.

10. Rules.

Rules in Act 5, 1908, Sch. I; effect of, alteration and repeal of . „ s. 121.

Rules regulating procedure; power of chartered High Courts and Chief Courts to make . . „ s. 122.

„ „ „ power of other High Courts to make „ s. 125.

„ „ „ matters to be provided for . . „ s. 128.

„ „ „ procedure for making; sanction and publication . . . „ ss. 123 to 127.

Rules by chartered High Courts to regulate their own original civil procedure . . . . . „ ss. 129, 131.

Rules as to matters other than procedure . . . . „ ss. 130, 131.

11. Miscellaneous Provisions.

Inherent powers of Court . . . . . „ s. 151.

Suit or proceeding by or against representatives . . „ s. 146.

Persons under disability; consent or agreement on behalf of . „ s. 147.

Exemptions from personal appearance . . . . . „ ss. 132, 133.

„ „ arrest under civil process . . . . „ s. 135.

Forms . . . . . „ Sch. I, O. 48, r. 3, App. A to H, Sch. II, App.

Power to enlarge time and make up deficiency of court-fees . „ ss. 148, 149.

Orders and notices to be in writing . . . . . „ s. 142.

Postage on notice, summons, etc. . . . . „ s. 143.

Language of subordinate Courts . . . . . „ s. 137.

Assessors in causes of salvage, etc. . . . . „ s. 140.

CIVIL PROCEDURE—*contd.*

11. Miscellaneous Provisions—*contd.*

Power to report to High Court question whether suit is cognizable by Court of Small Causes	Act 15, 1908, Sch. I, O. 46, r. 6.
Power of District Court to submit for revision proceedings had under mistake as to jurisdiction in Small Causes	,, Sch. I, O. 46, r. 7.
Application of Act 5, 1908, to proceedings in Civil Court other than suits and appeals	,, s. 141.
Procedure when person to be arrested or property to be attached is outside district	,, s. 136.
Service in British India of summonses issued by certain Civil or Revenue Courts situate beyond British India	,, s. 29.
Release of judgment-debtor on ground of illness	,, s. 59

12. Special and Local.

Act 5, 1908 (Code of Civil Procedure), does not extend *proprio vigore* to Scheduled Districts	,, s. 1
Code not to affect any special or local law or any remedy of landholder or landlord for recovery of rent of agricultural land from the produce thereof	,, s. 4
Power of Local Government to modify Code in its application to Revenue Courts	,, s. 5.
What portions of Code do not extend to—	
Provincial Courts of Small Causes	,, s. 7, Sch. I, O. 50, Act 9, 1887. s. 17.
Presidency ,, ,, ,,	Act 5, 1908, Sch. I, O. 51.
Code not to affect any special jurisdiction or procedure	,, s. 4(1).
Code modified. (*See* ACT 5, 1908, s. 158)—	
in Central Provinces	Act 20, 1875, ss. 11, 12.
in the Punjab	Act 18, 1884, ss. 16, 35, 40, 58, 70.
in the North-West Frontier Province	Reg. 7, 1901, ss. 46, 72, 78, 79, 84.
Ajmer:	
Certain persons deemed to be "recognized agents," in addition to those mentioned in Code	Reg. 1, 1877, s. 28.
Mode of recording evidence in suits between landlord and tenant	Reg. 1, 1877, s. 29 (am. Reg. I, 1910).
Certain property exempted from attachment and sale in execution of decree	,, s. 30 (am. Reg. 1, 1910).
Code how far to apply to	,, s. 32.
British Baluchistan:	
Saving of enactments	Reg. 9, 1896, s. 9.
Prior adjudications and pending suits	,, ss. 10, 11.
Appearances, applications and acts by parties	,, ss. 12 to 14.
Exemptions from personal appearance	,, ss. 60, 61.
Institution of suits	,, ss. 15 to 18.
Service of summons on defendants	,, ss. 19 to 29.
Consequences of non-appearance of parties	,, ss. 30 to 38.
Fixing issues, and preparations for the hearing	,, ss. 39 to 42.

CIVIL PROCEDURE—*contd.*

12. Special and Local—*contd.*

British Baluchistan—*contd.*

The hearing; taking of evidence . . . . . Reg.9,1896,ss.43to45.
Filing of documents admitted in evidence . . . . „ s.62.
Mode of admission in evidence of entry in book . . . „ s.63.
Judgments . . . . . „ ss.46to53.
Amount of interest allowable . . . . . „ s.50.
Injunctions . . . . . „ ss.54to57.
Power to add parties . . . . . „ s.58.
Certain suits triable with the aid of assessors . . . „ s.59.
Execution of decrees . . . . . „ ss.64to66.
Appeal, revision and review . . . . . „ ss.67to70,73.
Reference to arbitration . . . . . „ ss.74to87.
Disposal of pending cases . . . . . „ s.88.
Power of Judicial Commissioner to make rules . . . „ s.90.
Procedure prescribed for suits to be followed in other proceedings . . . . . „ s.91.
Mere irregularity not to invalidate proceedings . . . „ s.92.
References in Indian Limitation Act to Code of Civil Procedure to be read as applying to Reg. 9, 1896 . . . „ s.95.

Lower Burma (except Arakan Hills):

Language of plaints and of record of evidence in Courts in . Act 6,1900,s.39.

Upper Burma (except the Shan States):

"Recognized agents" . . . . . Reg.1,1896,s.37.
Certain suits triable with the aid of assessors . . . „ s.5.
Saving of prior proceedings . . . . . „ s.7.
Execution of, and appeals from, past decrees and orders . „ s.24.
Power to make rules as to process-fees, expenses of witnesses and assessors, copies, translations, petition-writers and judicial powers of ministerial officers . . . . . Reg.1,1896,ss.30,(rep.pt. [1]Bur.Act1,1910,s.4),38. [1]Bur.Act1,1910,s.3.
Judicial Commissioner to comply with requisitions of Local Government for records, etc. . . . . Reg.1,1896,s.31.
Language of Courts . . . . . „ ss.30(*d*),35.

Coorg:

Provisions relating to second appeals in Code modified in . Reg.1,1901,ss.11,12.

Practice in granting probates and letters of administration. *See* ADMINISTRATION (IND. LAW), 2.

Special procedure under laws relating to landlord and tenant: *See* LANDLORD AND TENANT, II, A, 3; III, A, 6; B; IV, A, 6; B; VI, 3; VIII, A, 3; IX, 6; X, 3; XI, A, 6.

Special procedure under laws relating to land-revenue: *See* LAND-REVENUE, II, 6; III, 2, 3(*a*), (*b*), (*c*); 5; IV; V, A, 2, 3(*a*), (*b*), (*c*); B, 2, 3, 4, 5; VI; VII, A, 3(*b*), 6; C; VIII, 3, 5; IX, 4; X, 1; XI, 2, 3(*d*); XII, 7; XIII, 4(*b*); XIV; XV, 2, 4, 5; XVI, 2, 3(*a*), (*d*), 5.

For other special and local laws, see ADEN, 2; ANDAMAN AND NICOBAR ISLANDS, (3); ANGUL, 4; ARAKAN HILLS, 2; BENARES, 1; CENTRAL PROVINCES, 2; CHIEF COURT OF LOWER BURMA; CHIEF COURT OF THE PUNJAB; CHITTAGONG HILL

[1] Bur. Act 1, 1910, will come into force when notified.

CIVIL PROCEDURE—*contd*

TRACTS; CHOTA NAGPUR; CIVIL COURTS, V, 1; VI, B, XIIIA, 1; DEKKHAN, ETC.; DEKKHAN AGRICULTURIST, 2, 3, 5; EASTERN DUARS; FOREST, 7; GANJAM AND VIZAGAPATAM; INDIGO; LUNATIC, 2, 3; MAMLATDAR'S COURT; MATRIMONIAL CAUSES, A, 3; B, 2; C; MERCHANT SHIPPING, 8 (*a*); MORTGAGE, 1; OUDH, 2; PANCHAYAT; PARTITION; PUBLIC OFFICER; PUBLIC WORKS; RAILWAY, 5 (*a*); SANTHAL PARGANAS; SCHEDULED DISTRICTS; SINDH; SMALL CAUSE COURTS, A, 2; B, 3, 5; VILLAGE, F, 1 (*b*); VILLAGE COURTS; WASTE LAND.

CIVIL SERVICE OF INDIA. *See* GOVERNMENT OF INDIA, 2 (*j*).

CLERGY. *See* BISHOPS AND CLERGY.

CLOSING OF RAILWAY. *See* RAILWAY, 4.

CLOSING OF TRAMWAY. *See* TRAMWAY, 6 TRAMWAYS, A, 6, 7.

COAL. *See* MINES AND MINERALS.

COASTING TRADE.

Freedom of foreign ships to engage in	16-7V.c.107,s.329,Act5, 1850.
Act 5, 1850, declared *in force throughout* British India, except as regards the Scheduled Districts	Act15,1874,s.3.
Power to regulate	57-8V.c.60,s.736.
Regulation of. *See* CUSTOMS (SEA), 2 (*d*).	
Customs-duties on what articles leviable. *See* CUSTOMS (SEA), 1.	

COASTING VESSELS, BOMBAY (*See* MERCHANT SHIPPING, 4) Act19,1838.

COAST LIGHTS ACT (BURMA), 1879. (*See* MERCHANT SHIPPING, 10) Act9,1879.

COAST LIGHTS ACT (MADRAS), 1904. (*See* MERCHANT SHIPPING, 10) Act9,1904.

COCOS ISLAND. *See* LITTLE COCOS ISLAND.

CODE OF CIVIL PROCEDURE, 1908 [*See* ADVOCATE GENERAL; ATTACHMENT; *CIVIL PROCEDURE*; COMPANY; COURT-FEES, 3; ENDOWMENT; EVIDENCE, II; INDIAN MILITARY AND NAVAL FORCES; JUDICIAL COMMITTEE; LANDLORD AND TENANT (GENERALLY); LAND-REVENUE, I; LEGAL PRACTITIONER; MORTGAGE; NEGOTIABLE INSTRUMENTS; OATH AND AFFIRMATION; PARTITION AND UNION OF IMMOVEABLE PROPERTY; PARTNERSHIP; PAUPER; PENSIONS AND GOVERNMENT GRANTS; PRISONER (IND. LAW); SMALL CAUSE COURTS] Act5,1908.

CODE OF CRIMINAL PROCEDURE, 1898 [*See* ADVOCATE GENERAL; ARMS, AMMUNITION AND MILITARY STORES; ATTACHMENT; BAIL; CAPITAL PUNISHMENT; COMPOUNDING OFFENCES; COMPULSORY LABOUR; CRIMINAL LAW (IND.); CRIMINAL PROCEDURE (IND.); DRUGS; EUROPEAN BRITISH SUBJECT; EVIDENCE, II, 6; FOOD AND DRINK; HABEAS CORPUS; INDIAN MILITARY AND NAVAL FORCES; JUSTICE OF THE PEACE; LEGAL PRACTITIONER; POST OFFICE (IND. LAW); PRISONER (IND. LAW); RAILWAY; RAPE; ROYAL INDIAN MARINE; *STATE PRISONER*; TELEGRAPH; VOLUNTEER; WEIGHTS AND MEASURES; YOUTHFUL OFFENDER] Act5,1898.

COFFEE-STEALING PREVENTION ACT (MADRAS), 1878 Mad.Act8,1878.

COFFEE.

Madras Act 8, 1878 [1], may be extended to any place in Madras Presidency by notification	(Co.,Mad.)	Mad.Act8,1878, s. 2.
Definitions		Mad.Act,8,1878,s.3.
Not to be purchased, taken in barter, exchanged or received— from labourer employed on coffee-estate	„	s.4.
from other person, unless particulars immediately recorded; exception as to coffee purchased, etc., for *bonâ fide* consumption; additional particulars to be recorded when coffee purchased, etc., from carrier	„	ss.5,7.
Person in charge of coffee estate— to keep books; penalty	(Mad.)	Mad.Act8, 1878,ss.5A, 15,17.
to furnish returns and supply information; penalty	(Mad.)	Mad.Act8,1878,ss. 15,17.
Inspection of records	(Co., Mad.) „	s.6.
Penalty for breach of ss. 4 to 7	„	s.8.
„ on labourer found in possession of green coffee for which he cannot account	„	ss.9,13.
Not to be carried from coffee-estate, etc., without written permission of owner or his agent; penalty	„	s.10.
Not to be gathered or removed between sunset and sunrise; penalty	„	ss.11,12.
Disposal of fines; rewards to informers	„	s.14.
Power to make rules for carrying out purposes of Act	(Mad.) „	s.16.

COFFEE-HOUSE. *See* PLACES OF PUBLIC RESORT, ETC.

COGNIZABLE CASE AND COGNIZABLE OFFENCE defined. *See* WORDS AND PHRASES.

COINAGE ACT {1870 / 1891} (*See* COINAGE, I)	33-4V.c,10. 54-5V.c.72.
COINAGE ACT (INDIAN), 1906 (*See* COINAGE, II)	Act3,1906.
COINAGE (COLONIAL OFFENCES) ACT, 1853 [2] (*See* COINAGE, I)	16-7V.c.48.

COINAGE.

I.—ENGLISH LAW.

Extension to British Possessions of Acts 2 & 3 Will. 4, c. 34, and 7 Will. 4 & 1 Vict., c. 90, as to offences in relation to coin, except where other provisions are made by Local Legislatures	16-7V.c.48.
Coinage Act, 1870	33-4V.c.10.
„ „ 1891	54-5V.c.72.
Extent of Act	33-4V.c.10,ss.19,11(9).
Standard of coins; remedy allowed	54-5V.c.72, ss.2,3.
Legal tender	33-34V.c.10,ss.4,6,11(*1*),(*6*),(*7*),(*8*).
Coining of bullion by Mint	„ ss.8,9,10.
Denominations, designs, dimensions of coins; calling in diminished coins	„ s.11(*1*),(*2*),(*3*),(*5*).
Cutting, etc., diminished or called-in coin	„ s.7.

[1] Mad. Act 8, 1878 (but not the amending Act, Mad. Act 2, 1900), has been extended to Coorg by notification under the Scheduled Districts Act, 1874.

[2] This short title was given by 59 & 63 Vict. c. 14.